IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.3.2006

CORAM:

THE HONOURABLE MR.JUSTICE P.SATHASIVAM
and
THE HONOURABLE MR.JUSTICE J.A.K.SAMPATHKUMAR

H.C.P.No.271 of 2006

....

G.Jebaraj ... Petitioner

vs.

1. State of Tamil Nadu,
   rep. By Commissioner of Social Defence Dept.,
   Purasawalkam High Road, Chennai

2. Inspector of Police,
   Anti-vice Squad,
   Chennai City Police,
   Chennai.

3. The Superintendent,
   Government Vigilance Home,
   Cutcherry Road, Mylapore,
   Chennai 600 004.

4. Ms.Anthony Ammal,
   Female Warden No.67,
   Anti-Vice Squad,Chennai.

5. Mr.Sabapathy,
   Head Constable No.12388,
   Anti-Vice Squad, Chennai. ... Respondents.

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Petition filed under Article 226 of the Constitution of India for the issue of a writ of Habeas Corpus as stated therein.

For petitioner : Ms.D.Geetha

For respondents: Mr.Abdukumar Rajarathinam,
1 to 3 Government Advocate (Crl Side)

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ORDER

(ORDER of the Court was made by P.SATHASIVAM,J.)

The petitioner, by name, G.Jebaraj, claiming himself to be the Director of Just Trust having its Office at No.35, E Block, M.M.D.A. Colony, Arumbakkam, Chennai 600 106, has filed this petition seeking direction to the respondents for the production of the victim girl, namely, Nisha wife of Ganesh, aged about 23 years before this Court and set her at liberty.

2. Pursuant to the direction of this Court, the second respondent produced the victim girl, Nisha. We enquired her. According to her, she is aged about 24 years and at present, she is employed as a Cook in Gracious Home, Plot No.14, Majestic Colony, Thirumangalam, Anna Nagar, Chennai 600 040 and getting a salary of Rs.1,000/- per month.

3. The second respondent, Inspector of Police, Anti-Vice Squad, Greater Chennai City has filed a counter affidavit wherein it is stated that on 18.5.2005 at 21.45 hours a case in AVS.P.S. Crime No.94/05 under sections 3(2)(1), 4(1), 5(1), 6(1) and 7(1) of Immoral Traffic (Prevention) Act, 1956 and 366 & 420 I.P.C. Was registered and investigated and a women-broker, Mary @ LIC Mary F/A 60, wife of Joseph of T.Nagar and one Sumathi F/A 36, wife of Mohan of Old Washermenpet were arrested for running brothel. It is also stated that one Nisha who was kept in the brothel for prostitution was rescued on 19.5.2005 and they were produced before the 17th Metropolitan Magistrate, Saidapet, Chennai, who remanded Mary @ LIC Mary and Sumathi to judicial custody and sent the rescued girl Nisha to the Government Home , Mylapore, Chennai for safe custody. The counter proceeds further that on the same day, a petition was filed before the learned 17th Metropolitan Magistrate seeking for reintegration of the rescued girl, Nisha with her family and the learned Magistrate passed an order directing the Inspector of Police, Anti-Vice Squad, Chennai to hand over the rescued girl Nisha to her legal guardian. It is stated that an enquiry was conducted to know about the veracity of the claim of parent/guardian who sought for custody of the rescued girl, Nisha and it was found that the girl had no parents and none of the relatives came forward to accept the rescued girl Nisha and so, rehabilitative measures were taken to provide a job for the girl to lead independent life instead of going back to prostitution and accordingly, several non-governmental organisations were approached and one Dr.Roseline, Director of Gracious Home came forward to accommodate the rescued girl, Nisha in her home by giving shelter and job. It is further stated that on 25.1.2006, the rescued girl Nisha was taken from the Government Home as per the orders of 17th

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Metropolitan Magistrate, Saidapet, Chennai and Head Constable Sabapathy (No.12388) and female warden Antony ammal(No.67) brought the girl Nisha from the Government Home to Anti-Vice Squad Police Station from where she was sent to Gracious Home to lead a new independent life and now she is staying at Gracious Home working as Cook and getting a salary of Rs.1000/- per month. In the counter affidavit, it is also stated that the above action was taken purely based on rehabilitation of the rescued girl and by this, the girl has been prevented from falling into the clutches of pimps and brothel keepers once again.

4. Apart from the above information furnished by the second respondent, learned Government Advocate has also brought to our notice that on 19.5.2005, the said girl was produced before the 17th Metropolitan Magistrate, Saidapet, Chennai and the learned Magistrate passed an order on the same day to the effect that the girl should be kept in a Home. Learned Government Advocate further submitted that the Home, namely, Gracious Home, where the girl was sent and is presently staying, is registered and approved by the Government, which is clear from the letter of the District Social Welfare Officer, Tiruvallur dated 27.5.2005.

5. In the light of the information furnished by the second respondent and in view of the fact that the girl was sent to Gracious Home which is registered and approved by the Government and also of the statement made by the girl herself that she is employed as Cook getting a salary of Rs.1,000/- per month and she is comfortable, the girl Nisha is permitted to continue in the same Home, viz., Gracious Home. No further adjudication is, therefore, required in this petition; accordingly, the same is closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Commissioner of Social Defence Dept.,
   State of Tamil Nadu,
   Purasawalkam High Road, Chennai

2. The Inspector of Police,
   Anti-vice Squad,
   Chennai City Police,
   Chennai.

3. The Superintendent,
   Government Vigilance Home,
   Cutcherry Road, Mylapore,
   Chennai 600 004.

4. The Public Prosecutor,
   High Court, Madras.

+ 1 cc to M/s. D. Geetha, Advocate SR no.14500

JE(CO)
SR/4.4.2006

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